



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,017	03/02/2004	Maik Obendorf	2877	1212

7590 06/26/2006

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

HOWARD, ZACHARY C

ART UNIT	PAPER NUMBER
----------	--------------

1646

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO. / CONTROL NO. 10/791017	FILING DATE 03/02/2004	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Maik Obendorf	ATTORNEY DOCKET NO. 2877
--	---------------------------	---	-----------------------------

EXAMINER

Zachary C. Howard

ART UNIT	PAPER
1646	06/14/2006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313-1450
Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building

Notice to Comply	Application No. 10/791017	Applicant(s) OBENDORF ET AL.	
	Examiner Zachary C. Howard	Art Unit 1646	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

PatentIn Software Program Support

Technical Assistance.....703-287-0200


To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Zachary C. Howard whose telephone number is (571) 272-2877.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Nickol can be reached at 571-272-0835.

A handwritten signature in black ink, appearing to read "Gary Nickol", with a stylized flourish at the end.

GARY B. NICKOL, PH.D.
PRIMARY EXAMINER

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/791,017B
Source: 1Fw/16
Date Processed by STIC: 5/30/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (**<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>** , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

RAW SEQUENCE LISTING

DATE: 05/30/2006

PATENT APPLICATION: US/10/791,017B

TIME: 11:30:26

Input Set : A:\textobendorffsequence052006.txt

Output Set: N:\CRF4\05302006\J791017B.raw

4 <110> APPLICANT: JENAPHARM GmbH & Co. KG
W--> 5 <120> TITLE OF INVENTION: Methods for Determining Hormonal Effects of Substances
W--> 6 <130> FILE REFERENCE: Pat 3684/11
W--> 7 <140> CURRENT APPLICATION NUMBER: US/10/791,017B
8 <141> CURRENT FILING DATE: 2004-03-02
E--> 10 <160> NUMBER OF SEQ ID NOS: 8 (see below) *see pp 1-5*
11 <170> SOFTWARE: PatentIn Ver. 2.1

ERRORRED SEQUENCES

404 <210> SEQ ID NO: 8 *last sequence in submitted file*
405 <211> LENGTH: 918
406 <212> TYPE: PRT
407 <213> ORGANISM: Homo sapiens
409 <400> SEQUENCE: 8
412 Met Glu Val Gln Leu Gly Leu Gly Arg Val Tyr Pro Arg Pro Pro Ser
413 1 5 10 15
415 Lys Thr Tyr Arg Gly Ala Phe Gln Asn Leu Phe Gln Ser Val Arg Glu
416 20 25 30
418 Val Ile Gln Asn Pro Gly Pro Arg His Pro Glu Ala Ala Ser Ala Ala
419 35 40 45
421 Pro Pro Gly Ala Ser Leu Leu Leu Gln Gln Gln Gln Gln Gln
422 50 55 60
424 Gln Gln Gln Gln Gln Gln Gln Gln Gln Glu Thr Ser Pro Arg Gln
425 65 70 75 80
427 Gln Gln Gln Gln Gln Gln Glu Asp Gly Ser Pro Gln Ala His Arg Arg
E--> 428 ~~85~~ 85 ~~90~~ 90 ~~95~~ 95
430 Gly Pro Thr Gly Tyr Leu Val Leu Asp Glu Glu Gln Gln Pro Ser Gln
E--> 431 100 105 110
433 Pro Gln Ser Ala Leu Glu Cys His Pro Glu Arg Gly Cys Val Pro Glu
E--> 434 115 120 125
436 Pro Gly Ala Ala Val Ala Ala Ser Lys Gly Leu Pro Gln Gln Leu Pro
E--> 437 130 135 140
439 Ala Pro Pro Asp Glu Asp Ser Ala Ala Pro Ser Thr Leu Ser Leu
E--> 440 145 150 155 160
442 Leu Gly Pro Thr Phe Pro Gly Leu Ser Ser Cys Ser Ala Asp Leu Lys
E--> 443 165 170 175
445 Asp Ile Leu Ser Glu Ala Ser Thr Met Gln Leu Leu Gln Gln Gln Gln
E--> 446 180 185 190
448 Gln Glu Ala Val Ser Glu Gly Ser Ser Gly Arg Ala Arg Glu Ala
E--> 449 195 200 205
451 Ser Gly Ala Pro Thr Ser Ser Lys Asp Asn Tyr Leu Gly Gly Thr Ser

*Does Not Comply
Corrected Diskette Needed*

*misaligned
amino acid
numbers. Do
not
use
TAB
codes*

RAW SEQUENCE LISTING

DATE: 05/30/2006

PATENT APPLICATION: US/10/791,017B

TIME: 11:30:26

Input Set : A:\textobendorffsequence052006.txt

Output Set: N:\CRF4\05302006\J791017B.raw

```

E--> 452      210      215      220
      454 Thr Ile Ser Asp Asn Ala Lys Glu Leu Cys Lys Ala Val Ser Val Ser
E--> 455 225      230      235      240
      457 Met Gly Leu Gly Val Glu Ala Leu Glu His Leu Ser Pro Gly Glu Gln
E--> 458      245      250      255
      460 Leu Arg Gly Asp Cys Met Tyr Ala Pro Leu Leu Gly Val Pro Pro Ala
E--> 461      260      265      270
      463 Val Arg Pro Thr Pro Cys Ala Pro Leu Ala Glu Cys Lys Gly Ser Leu
E--> 464      275      280      285
      466 Leu Asp Asp Ser Ala Gly Lys Ser Thr Glu Asp Thr Ala Glu Tyr Ser
E--> 467      290      295      300
      469 Pro Phe Lys Gly Gly Tyr Thr Lys Gly Leu Glu Gly Glu Ser Leu Gly
E--> 470 305      310      315      320
      472 Cys Ser Gly Ser Ala Ala Ala Gly Ser Ser Gly Thr Leu Glu Leu Pro
E--> 473      325 invalid      330      335
E--> 475 Ser Thr Leu Ser Ley Tyr Lys Ser Gly Ala Leu Asp Glu Ala Ala Ala
E--> 476      340      345      350
      478 Tyr Gln Ser Arg Asp Tyr Tyr Asn Phe Pro Leu Ala Leu Ala Gly Pro
E--> 479 355 355      360 360      365 365 ← misaligned nos.
      481 Pro Pro Pro Pro Pro Pro His Pro His Ala Arg Ile Lys Leu Glu
E--> 482      370      375      380
      484 Asn Pro Leu Asp Tyr Gly Ser Ala Trp Ala Ala Ala Ala Ala Gln Cys
E--> 485 385      390      395      400
      487 Arg Tyr Gly Asp Leu Ala Ser Leu His Gly Ala Gly Ala Ala Gly Pro
E--> 488      405      410      415
      490 Gly Ser Gly Ser Pro Ser Ala Ala Ala Ser Ser Ser Trp His Thr Leu
E--> 491      420      425      430
      493 Phe Thr Ala Glu Glu Gly Gln Leu Tyr Gly Pro Cys Gly Gly Gly Gly
E--> 494      435      440      445
      496 Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly
E--> 497      450      455      460
      499 Gly Gly Gly Gly Gly Gly Gly Gly Glu Ala Glu Ala Val Ala Pro Tyr Gly
E--> 500 465      470      475      480
      502 Tyr Thr Arg Pro Pro Gln Gly Leu Ala Gly Gln Glu Ser Asp Phe Thr
E--> 503      485      490      495
      505 Ala Pro Asp Val Trp Tyr Pro Gly Gly Met Val Ser Arg Val Pro Tyr
E--> 506      500      505      510
      508 Pro Ser Pro Thr Cys Val Lys Ser Glu Met Gly Pro Trp Met Asp Ser
E--> 509      515      520      525
E--> 511 Tyr Ser Gly Pro Tyr Gly Asp Met Arg Ley Glu Thr Ala Arg Asp His
E--> 512      530      535      540
      514 Val Leu Pro Ile Asp Tyr Tyr Phe Pro Pro Gln Lys Thr Cys Leu Ile
E--> 515 545      550      555      560
      517 Cys Gly Asp Glu Ala Ser Gly Cys His Tyr Gly Ala Leu Thr Cys Gly
E--> 518      565      570      575
      520 Ser Cys Lys Val Phe Phe Lys Arg Ala Ala Glu Gly Lys Gln Lys Tyr
E--> 521      580      585      590
      523 Leu Cys Ala Ser Arg Asn Asp Cys Thr Ile Asp Lys Phe Arg Arg Lys
E--> 524      595      600      605

```

OK

invalid
amino acid
designator

OK

invalid
amino acid
designator

OK

RAW SEQUENCE LISTING

DATE: 05/30/2006

PATENT APPLICATION: US/10/791,017B

TIME: 11:30:26

Input Set : A:\textobendorffsequence052006.txt

Output Set: N:\CRF4\05302006\J791017B.raw

```

526 Asn Cys Pro Ser Cys Arg Leu Arg Lys Cys Tyr Glu Ala Gly Met Thr
E--> 527      610      615      620
529 Leu Gly Ala Arg Lys Leu Lys Lys Leu Gly Asn Leu Lys Leu Gln Glu
E--> 530 625      630      635      640
532 Glu Gly Glu Ala Ser Ser Thr Thr Ser Pro Thr Glu Glu Thr Thr Gln
E--> 533      645      650      655
535 Lys Leu Thr Val Ser His Ile Glu Gly Tyr Glu Cys Gln Pro Ile Phe
E--> 536      660      665      670
538 Leu Asn Val Leu Glu Ala Ile Glu Pro Gly Val Val Cys Ala Gly His
E--> 539 675 675 680 680 685 685
541 Asp Asn Asn Gln Pro Asp Ser Phe Ala Ala Leu Leu Ser Ser Leu Asn
E--> 542      690      695      700
544 Glu Leu Gly Glu Arg Gln Leu Val His Val Val Lys Trp Ala Lys Ala
E--> 545 705      710      715      720
547 Leu Pro Gly Phe Arg Asn Leu His Val Asp Asp Gln Met Ala Val Ile
E--> 548      725      730      735
550 Gln Tyr Ser Trp Met Gly Leu Met Val Phe Ala Met Gly Trp Arg Ser
E--> 551      740      745      750
553 Phe Thr Asn Val Asn Ser Arg Met Leu Tyr Phe Ala Pro Asp Leu Val
E--> 554      755      760      765
556 Phe Asn Glu Tyr Arg Met His Lys Ser Arg Met Tyr Ser Gln Cys Val
E--> 557      770      775      780
559 Arg Met Arg His Leu Ser Gln Glu Phe Gly Trp Leu Gln Ile Thr Pro
E--> 560 785      790      795      800
562 Gln Glu Phe Leu Cys Met Lys Ala Leu Leu Leu Phe Ser Ile Ile Pro
E--> 563      805      810      815
565 Val Asp Glu Leu Arg Met Asn Tyr Ile Lys Glu Leu Asp Arg Met Asn
E--> 566      820      825      830
568 Tyr Ile Lys Leu Glu Asp Arg Ile Ile Ala Cys Lys Arg Lys Asn Pro
E--> 569      835      840      845
571 Thr Ser Cys Ser Arg Arg Phe Tyr Gln Leu Thr Lys Leu Leu Asp Ser
E--> 572      850      855      860
574 Val Gln Pro Ile Ala Arg Glu Leu His Gln Phe Thr Phe Asp Leu Leu
E--> 575 865      870      875      880
577 Ile Lys Ser His Met Val Ser Val Asp Phe Pro Glu Met Met Ala Glu
E--> 578      885      890      895
580 Ile Ile Ser Val Gln Val Pro Lys Ile Leu Ser Gly Lys Val Lys Pro
E--> 581 897      900      905      910
584 Ile Tyr Phe His Thr Gln
E--> 585 915 915

```

OK

misaligned
nos.

OK

← misaligned number

delete this- Per Sequence Rules (1.822),
number the amino acids under
every 5 amino acids.

10/79/017B

4

<210> 1
<211> 2390
<212> DNA
<213> Homo sapiens

<220>
<221> CDS
<222> (44)..(2011)
<223> EWS

<400> 1
agagggagac ggacgttgag agaacgagga ggaaggagag aaa atg gcg tcc acg 55

Met Ala Ser Thr

11 ← move the "1" directly
under the

gat tac agt acc tat agc caa gct gca gcg cag cag ggc tac agt gct 103
Asp Tyr Ser Thr Tyr Ser Gln Ala Ala Ala Gln Gln Gly Tyr Ser Ala
5 10 15 20

"1" since
the other
number is
under the
last letter
of amino acid

RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/10/791,017B

DATE: 05/30/2006
TIME: 11:30:27

FYI

Input Set : A:\textobendorffsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 25

VERIFICATION SUMMARY

DATE: 05/30/2006

PATENT APPLICATION: US/10/791,017B

TIME: 11:30:27

Input Set : A:\textobendorfssequence052006.txt

Output Set: N:\CRF4\05302006\J791017B.raw

L:5 M:283 W: Missing Blank Line separator, <120> field identifier
L:6 M:283 W: Missing Blank Line separator, <130> field identifier
L:7 M:283 W: Missing Blank Line separator, <140> field identifier
L:26 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:428 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:8
M:332 Repeated in SeqNo=8
L:475 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
L:511 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
L:10 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (7) Counted (8)